

November 18, 2003 CPC



**STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION**

04PW0166

**James Barker
(Wachovia Bank-Midlothian Village)**

**Midlothian Magisterial District
13530 Midlothian Turnpike**

REQUEST: Waiver of Development Standards

The applicant is requesting a waiver to the Midlothian Village Core District setback for drives and parking to be located at or behind the front line of the building.

RECOMMENDATION

Staff recommends approval of the request with three (3) conditions for the following reasons:

1. It is staff's opinion that the applicant has adequately addressed the five (5) factors required to be considered by the Planning Commission in its determination of waivers of development standards.
2. A waiver to this standard, in conjunction with Variance requests, will allow the proposed use of this site to develop with a vehicular circulation pattern that is essential to the business, and with a building orientation and site features appropriate for the Village of Midlothian.
3. The recommended conditions will ensure that development of this site substantially complies with the purpose and intent of Village District standards.

CONDITIONS

1. The drive-up canopy shall be located on the north side of the property, generally as indicated on the attached plan submitted with this request titled "Midlothian Village Financial Center" Proposed Site Plan #8, prepared by Baskervill & Son, dated, September 12, 2003. (P)
2. The architecture of the building shall be substantially similar to the attached rendering submitted with this request titled Wachovia "Proposed Financial Center" prepared by Baskervill & Son. (P)
3. The following elements indicated on the attached landscape plan submitted with this request shall be required with the final site plan as follows:
 - a.) A five (5) foot wide sidewalk constructed within the right of way along the entire frontage of Midlothian Turnpike and Crowder Drive.
 - b.) A five (5) foot wide sidewalk of brick or concrete pavers constructed from the front entrance of the bank, through the parking lot and connecting to the walk along Midlothian Turnpike.
 - c.) Along the Midlothian Turnpike and Crowder Drive frontage, a decorative metal fence and brick columns with pre-cast caps shall be constructed per the detail provided.
 - d.) The landscape materials shall comply with the Village of Midlothian Technical Manual. (P)

GENERAL INFORMATION

Associated Public Hearing Case:

73S077 – Board of Supervisors, Chesterfield County
04AN0144 – Wachovia Corporation (Case pending at time of this report)

Developer:

Wachovia Bank

Location:

Fronting approximately 190 feet on the north line of Midlothian Turnpike, and also fronting approximately 200 feet on the east line of Crowder Drive. Tax ID 729-708-3607 (Sheet 5).

Existing Zoning and Land Use:

C-3; Gas Station/Convenience Store

Size:

0.989 acre

Adjacent Zoning and Land Use:

North - C-3; Medical Office
South - C-2 and R-7; Bank and Public school
East - C-3; Retail
West - C-3; Retail

BACKGROUND

The Midlothian Village Core District Standards require drive and parking area locations to be located at or behind the front building line. The intent of this Ordinance section is to maintain the historical village development pattern by siting buildings close to the roadways with parking located to the sides and rear. While this arrangement works for some businesses, it is not conducive to the needs of today's banks.

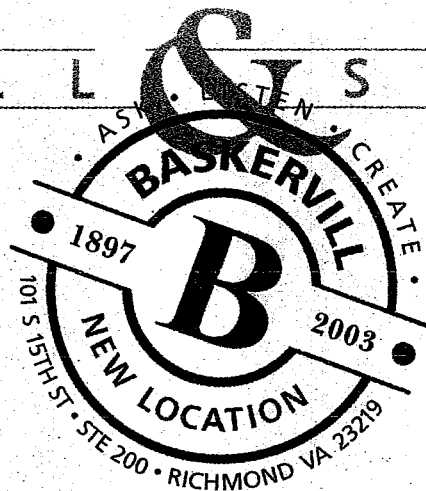
It is staff's opinion that the applicant has adequately addressed the five (5) factors required to be considered by the Planning Commission in its determination of waivers of development standards (reference attached Section 19-19). Staff believes that, in this case, compliance with the development standard would restrict use of the property; a waiver would not constitute a special privilege because other properties in the area do not comply with the standard; and this waiver will not adversely impact neighboring businesses and property.

It is staff's opinion that this waiver, with the recommended conditions, will allow development on this property to substantially comply with the intent of the Midlothian Village standards, while allowing for the vehicular circulation needs of the business. The recommended conditions are intended as a means to maintain and enhance the historic character of the Village. By requiring the drive-up canopy to be located on the north side of site, the building will be oriented to project an image compatible with the architectural character of the Village. (Although the canopy will be designed to be compatible with village standards, its location will not detract from the primary facade and front pedestrian entrance facing Midlothian Turnpike). The rendering of the proposed building reflects an architectural style that easily fits within the context of the village, and it is representative of existing buildings in the immediate vicinity. In addition, the provisions for site amenities emphasize and accentuate the traditional pedestrian nature of the Village.

The applicant is also requesting the Board of Zoning Appeals to grant Variances to setback requirements (Case 04AN0144), also in order to facilitate the development of the property for bank use. The hearing for Case 04AN0144 is scheduled for November 5, 2003. Since this report is prepared in advance of the hearing date, the results of the hearing are not incorporated herein.

CONCLUSION

Staff recommends approval of the request because the applicant has adequately addressed the five (5) factors required to be considered by the Planning Commission in its determination of waivers of development standards. It is staff's opinion that this waiver, with the recommended conditions, will allow development on this property to substantially comply with the intent of the Midlothian Village standards. Staff recommends approval of this request for the above stated reasons with the recommended conditions.



September 16, 2003

Planning Commission
County of Chesterfield
PO Box 40
Chesterfield, VA 23832-0040

Re: Development Standards Waiver Request
Wachovia Bank
13530 Midlothian Turnpike
Midlothian, VA
B&S Project #2030097

Dear Planning Commission Members:

On behalf of Wachovia Bank, we request your consideration of a Development Standards Waiver regarding Section 19-609(b), Specific Area Standards of the Midlothian Village Core District. The specific requirement reads as follows:

'Setbacks for drives and parking areas shall be at or behind the front line of the building line.'

In reviewing the proposed site layout with the Planning Department, we understand a waiver of the Development Standards is required for two sides of the property since this is a corner lot fronting on Midlothian Turnpike and Crowder Drive.

In accordance with Section 19-19 of the Zoning Ordinance, we offer the following as substantial compliance with the following factors:

- (1) The proposed redevelopment of the site as a branch bank requires more parking than the minimum required by zoning. This is due to the number of employees and the projected number of customers at peak times. Additionally, in suburban environments, it is imperative that banking facilities offer drive-thru banking. This function requires a minimum amount of vehicular stacking that does not create traffic congestion either on-site or off. Strict application of the terms of this standard will effectively prohibit the goals of adequate parking, efficient and safe site ingress/egress and vehicular circulation around the building.
- (2) The granting of the modification will alleviate a hardship and is distinguished from a special privilege or convenience by the fact that there are several precedents already established, most

Henry E. Baskerville (1897-1947)
H. Coleman Baskerville (1932-1969)

Architecture, Engineering & Interior Design
PO Box 400 Richmond, Virginia 23218-0400
Shipping: **101 South 15th Street 23219**
Phone 804.343.1010 Fax 804.343.0909
www.baskervill.com/staytuned

September 16, 2003

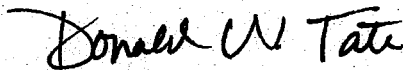
notably the SunTrust Bank facility on the northwest corner of the same intersection. Other examples exist within the Midlothian Village Core district.

- (3) The modification will allow for improved vehicular ingress and egress to public streets in addition to safe and efficient circulation within the site boundaries. Furthermore, the modification allows for the drive-up canopy to be located on the north side of the property, concealing it from view along Midlothian Turnpike. The proposed location of the drive-up canopy was the result of input from the Planning Department. In our opinion and the opinion of the Planning Department, the proposed project will greatly enhance the character of the District and improve property values by replacing a less desirable facility that is not in compliance with a building and site improvements that are consistent with the goal of establishing a 'distinct and valued asset' for the community.
- (4) Since the intended use of the property is a branch bank, the need for a drive-thru canopy and an abnormal quantity of parking for customers and employees should be considered unique. We do not believe this unique situation warrants the formulation of a general regulation as an amendment.
- (5) The granting of the modification will allow the redevelopment of this site from a non-compliant convenience store selling gasoline and offering rental trucks to a branch bank serving the community. The proposed project will make a positive contribution to and is consistent with the comprehensive plan.

In conclusion, it is Wachovia's intent to develop this site in a first class manner and of an architectural style and character that is in accordance with the goals and objectives of the Midlothian Village District.

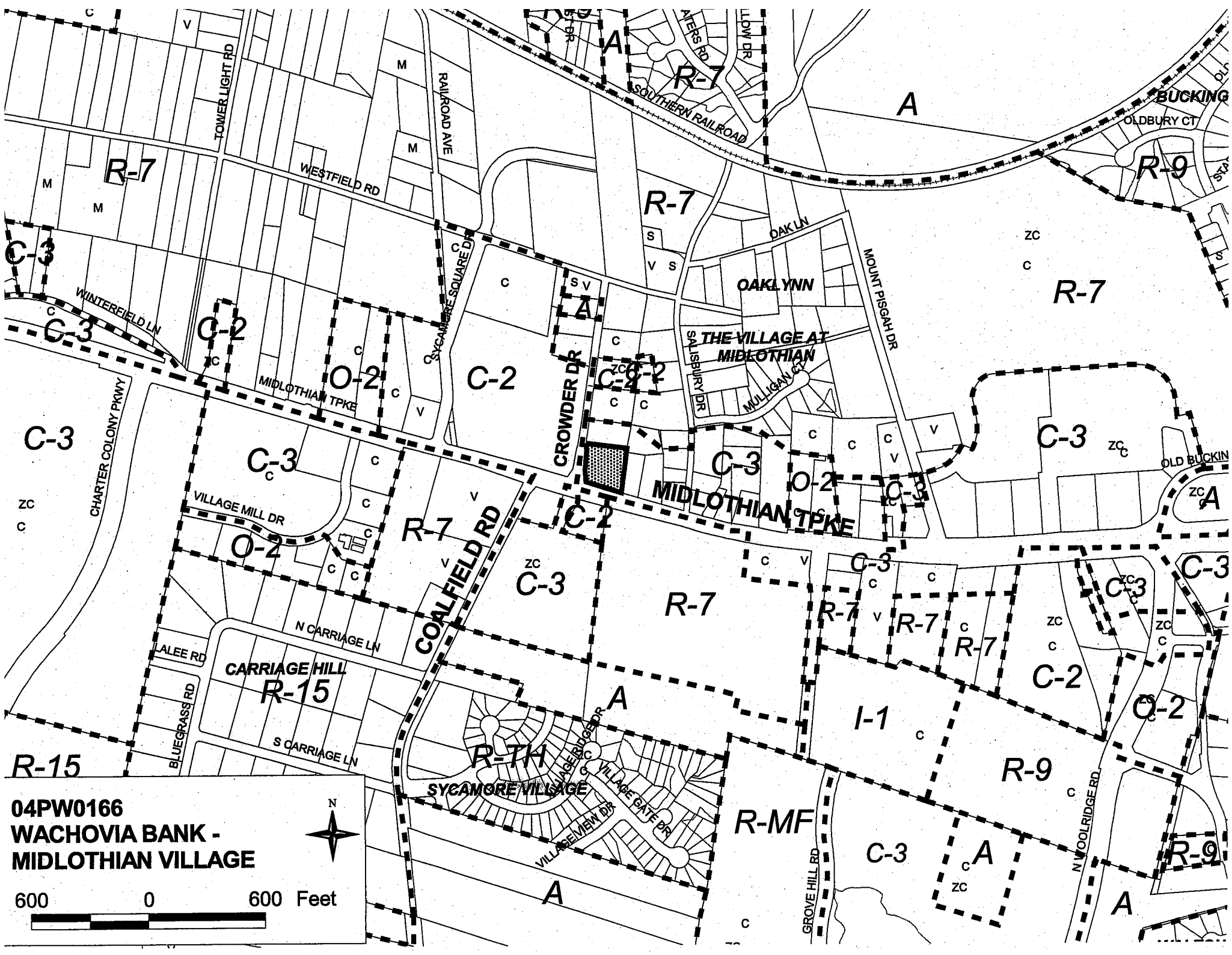
Thank you for your consideration of this Development Standards waiver.

Sincerely,

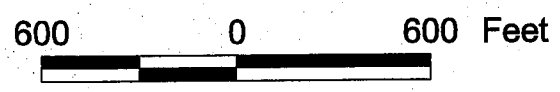


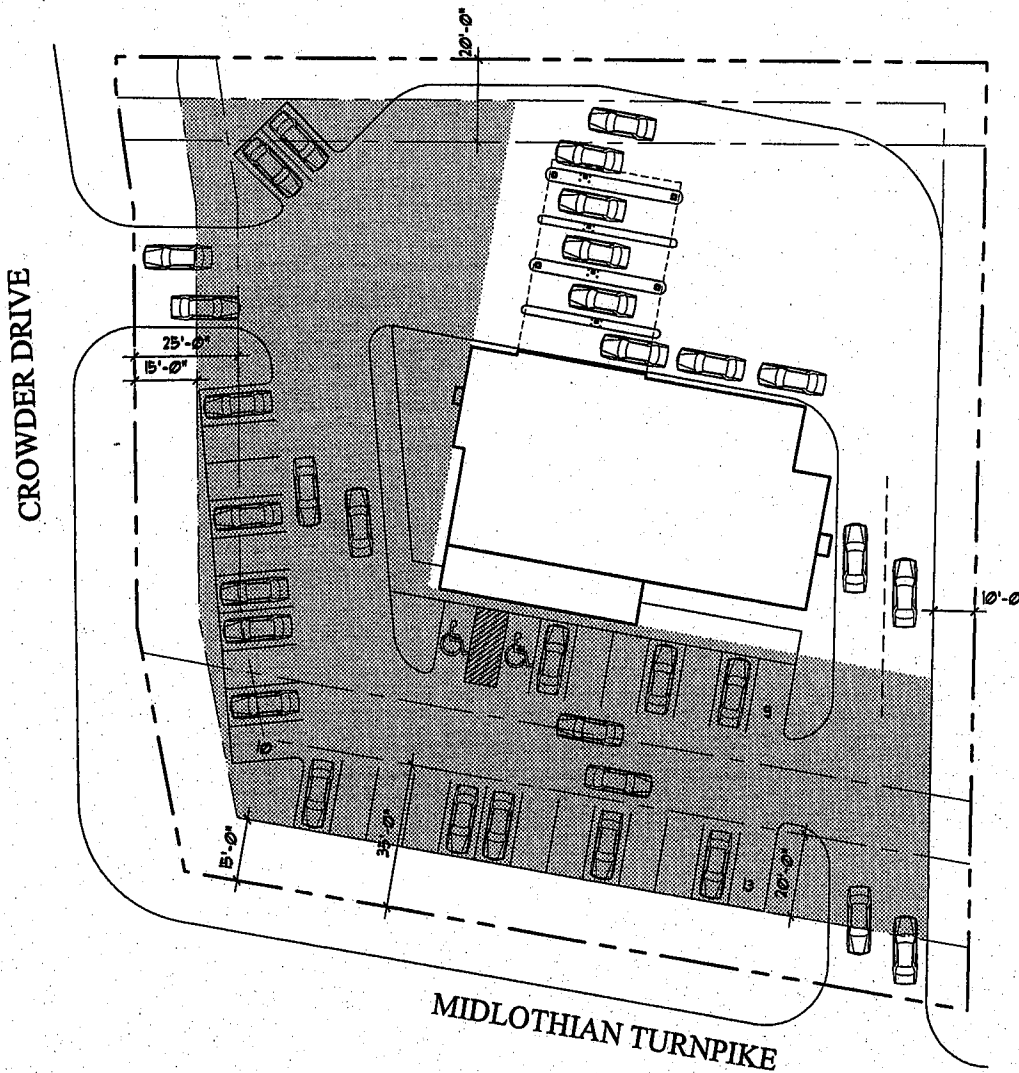
Donald W. Tate
Principal

cc: Jim Barker - Wachovia
File



04PW0166
WACHOVIA BANK -
MIDLOTHIAN VILLAGE





ADDRESS: 13530 MIDLOTHIAN TURNPIKE
MIDLOTHIAN, VA
G-PIN: 129-108-3601
ZONING: C/O
BUILDING AREA: 4,355 SF
SITE AREA: 0.989 ACRES
PARKING SPACES SHOWN: 32 SPACES

DEVELOPMENT STANDARD
WAIVER REQUEST -
REFERENCE ORDINANCE
SECTION 19-609(A), SPECIFIC
AREA STANDARDS -
MIDLOTHIAN VILLAGE
DISTRICT



04FW0126-1

WACHOVIA

Midlothian Village Financial Center

Proposed Site Plan #8

SCALE: NOT TO SCALE

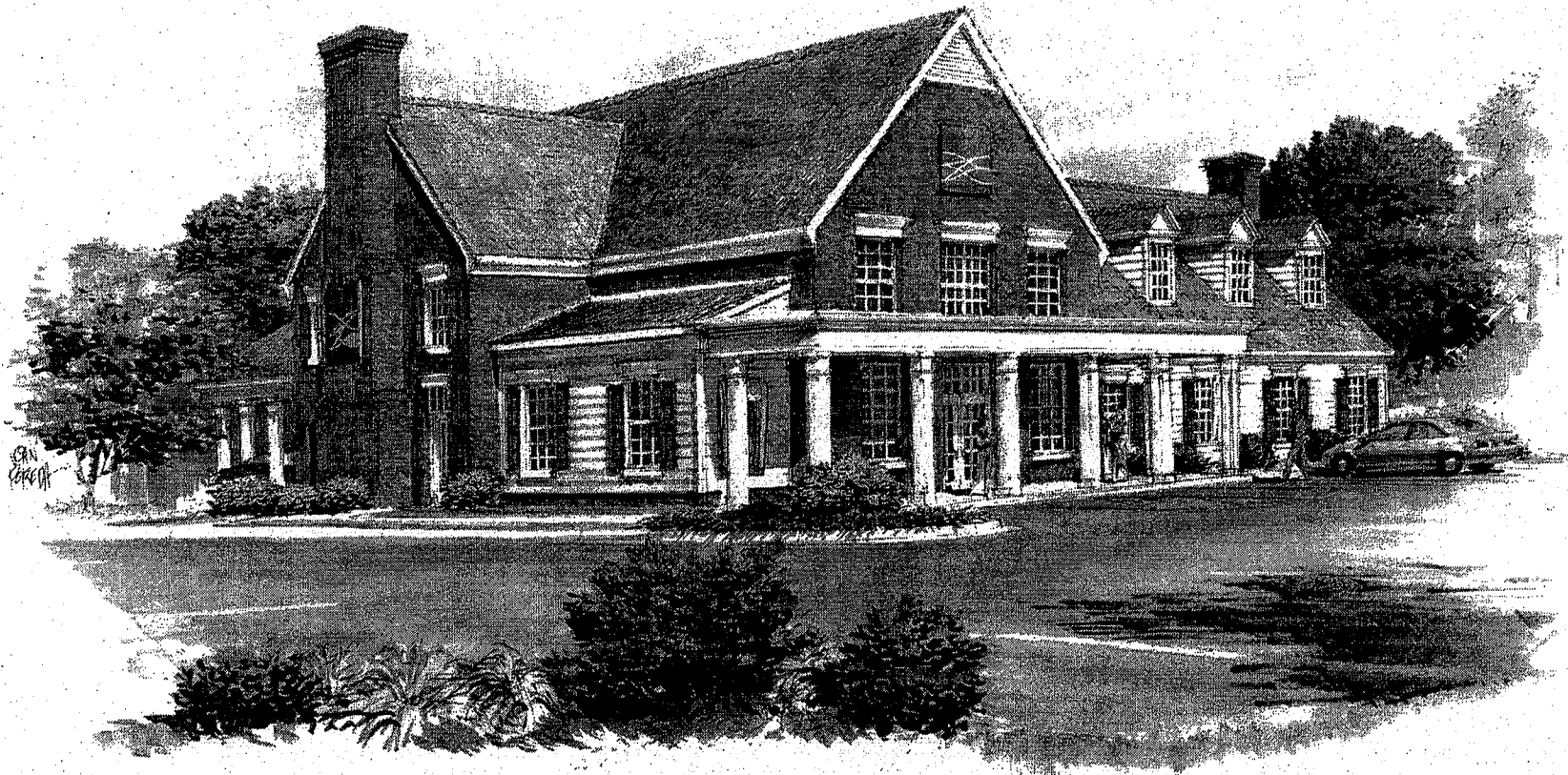
09/12/03

Baskerville & Son Project #2030097



WACHOVIA

PROPOSED FINANCIAL CENTER



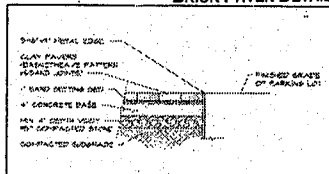
04PW0166-2

B A S K E R V I L L & S O N

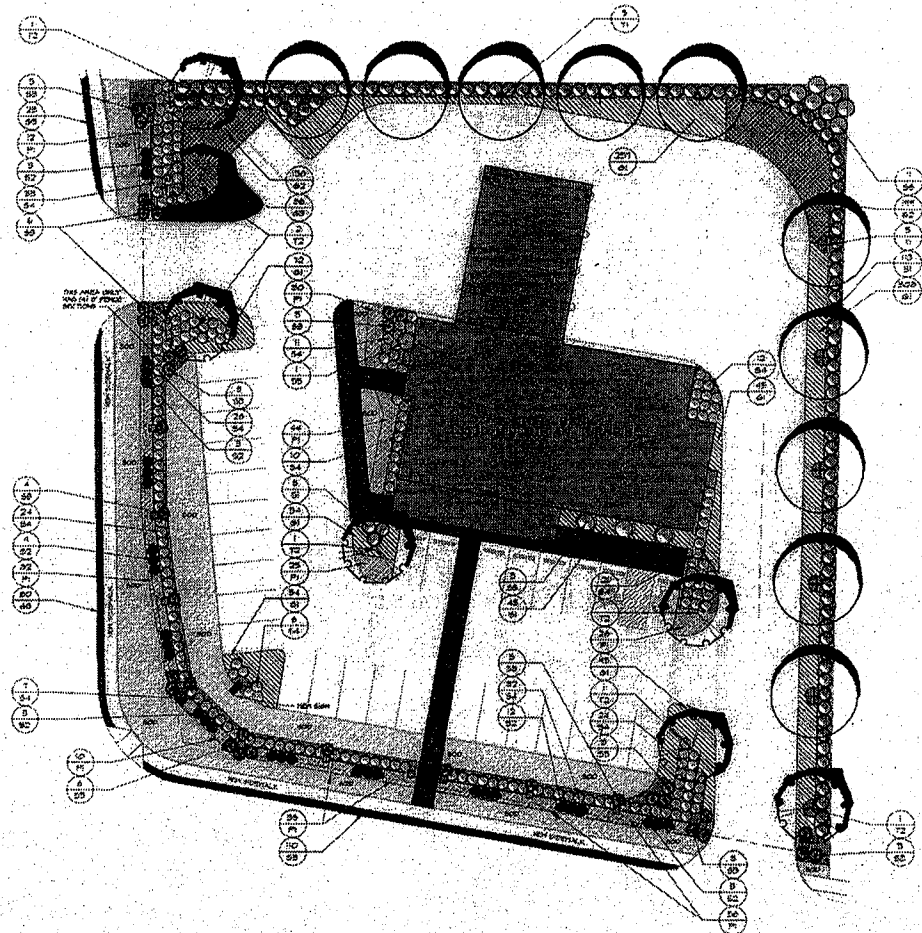
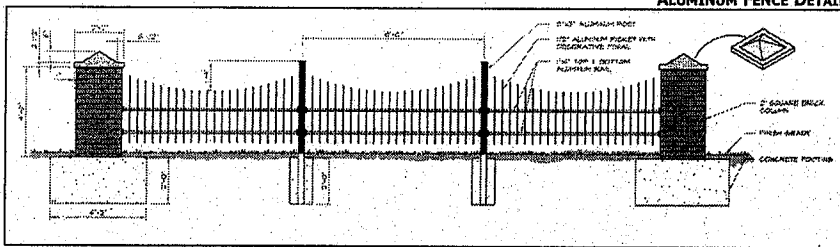
Richmond, Virginia
www.baskervill.com

PLANT LIST						
Key	Qty.	Botanical Name	Common Name	Installed Size	Spacing	Notes
TREES						
T1	10	<i>Zeakaya serrata</i>	Japanese Zelkova	2 1/2" cal.	35' o.c.	B4B
T2	7	<i>Lagerstroemia indica</i> 'Natchez'	Natchez White Crape Myrtle	8-10' ht.	As Shown	B4B
SHRUBS						
S1	106	<i>Ilex cornuta</i> 'Burford Nano'	Dwarf Burford Holly	8 gal.	5' o.c.	Container
S2	38	<i>Berberis thunbergii</i> 'atropurpurea'	Crimson Pygmy Barberry	1 gal.	3' o.c.	Container
S3	3*	<i>Yucca pedata</i>	Weeping Yucca	8 gal.	5' o.c.	Container
S4	206	<i>Ilex cornuta</i> 'Carriea'	Carriea Holly	3 gal.	5' o.c.	Container
S5	11	<i>Thuja occidentalis</i> 'Emerald Green'	Emerald Green Arborvitae	5-6' ht.	As Shown	Container
PERENNIALS						
P1	320	<i>Dianthus gratiopolitensis</i> 'Firelight'	Firelight Pink	1 gal.	18" o.c.	Container
GROUNDCOVERS						
G1	406	<i>Hypericum calycinum</i>	St. John's Wort	1 gal.	18" o.c.	Container
G2	346	<i>Periwinkia oppositifolia</i> 'Hornet'	Dwarf Hornet Periwinkle	1 gal.	18" o.c.	Container
G3	294	<i>Liriodendron</i>	Green Liriodendron	1 gal.	18" o.c.	Container
S52	3.5	Sod	Turf Type Tall Fescue Sod			
414	1.4	Double Shredded Hardwood Mulch				3" depth

BRICK PAVER DETAIL



ALUMINUM FENCE DETAIL



Sec. 19-15. Term; revocation.

Any conditional use or conditional use planned development may be authorized for either a limited or an indefinite period of time and may be revoked by the board of supervisors at any time, after notice and a hearing, for failure to adhere to the stipulated conditions.

(Code 1978, § 21.1-11)

Sec. 19-16. Amendments.

An application to amend a condition of a zoning approval imposed by the board of supervisors applicable to part or all of the development or to rezone property within the development which received its original zoning after April 27, 1994, and which meets the requirements of this chapter, shall be considered by the board of supervisors notwithstanding the fact that all parcels subject to the original condition or zoning are not included within the application to amend or rezone. The board's approval of any such rezoning or amendment shall not cause the remainder of the original development to be in violation of the original conditions of zoning for the development. (Code 1978, § 21.1-11.1; Ord. of 11-14-01, § 1)

Sec. 19-17. Zoning amendments.

All zoning cases decided on or before April 27, 1994, shall be subject to a condition that permits an applicant to amend a condition of a zoning approval imposed by the board of supervisors applicable to part or all of the development or to rezone property within the development notwithstanding the fact that all parcels subject to the original condition or zoning are not included within the application to amend or rezone. The board's approval of any such rezoning or amendment shall not cause the remainder of the original development to be in violation of the original conditions of zoning for the development. (Code 1978, § 21.1-11.2; Ord. of 11-14-01, § 1)

Sec. 19-18. Existing conditional use or conditional use planned development.

Where a use is classified as a conditional use under this chapter, and existed as a conditional or permitted use on March 31, 1997, it shall be considered to be a legal conditional use.

(Code 1978, § 21.1-12)

Sec. 19-19. Planning commission may grant modifications to development standards and requirements.

(a) Except for those development standards or requirements which must be modified by the granting of a variance, special exception, conditional use or a rezoning, the planning commission may grant modifications, with or without conditions, to development standards or requirements specified in this chapter. The planning commission shall fix a reasonable time for the hearing of an application under this section and decide the same within 60 days after its first hearing on the matter, unless the applicant requests or consents to action beyond such time or unless the applicant withdraws the request.

(b) No modification to a development standard or requirement shall be authorized by the planning commission unless it considers and determines substantial compliance with all of the following factors:

- (1) By reason of the exceptional narrowness, shallowness, size or shape of the specific piece of property or nearby properties or by reason of exceptional topographic conditions or other exceptional situation or condition relating to such properties the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property.
- (2) The granting of the modification will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience, and the hardship is not shared generally by other properties in the same zoning district and the same vicinity.

- (3) The modification will not be injurious to the use and enjoyment of adjacent property owners; will not diminish or impair property values within the neighborhood; will not change the character of the district; and will not be detrimental to or endanger the public health, safety or general welfare.
 - (4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.
 - (5) The granting of such modification will allow the project to comply with the comprehensive plan.
- (c) In authorizing a modification, the planning commission may impose conditions regarding the location, character and other features of the proposed building, structure or use as it may deem necessary to the public interest; and it may require a guarantee or bond to remain in effect until compliance with such conditions has occurred.
- (d) The planning commission shall not grant more than the minimum necessary modification to the appropriate development standard or requirement to resolve the hardship. The planning commission shall not grant a permanent modification to a standard or requirement if a temporary modification will suffice. A temporary modification may be granted if the planning commission determines that permanent compliance will be obtained in a future phase of development.
- (e) The planning commission shall not grant a modification to any development standard or requirement if:
- (1) The granting of the modification will constitute the granting of a variance, special exception, conditional use or a rezoning.
 - (2) Ordinary financial considerations are the principal reason for the requested modification.
 - (3) The modification amends a property-specific condition imposed by the board of

supervisors or the board of zoning appeals, unless such condition specifically grants such modification authority to the planning commission.

- (4) The applicant created the condition or situation generating the need for the modification and the applicant has not exhausted all other practicable solutions to the problem, including, but not limited to, the acquisition of additional property, the elimination or redesign of structures, or the reduction of development density.

(f) If the applicant disagrees with the planning commission's final decision, he may file a written appeal with the circuit court within 60 days of that decision. In addition, adjacent property owners may appeal the planning commission's final decision by filing a written appeal with the circuit court within 60 days of that decision. Adjacent property owners' appeals shall be limited to conditions which directly affect the property owners and include access, utility locations, buffers, conditions of zoning, architectural treatment and land use transitions. The court shall fix a reasonable time for hearing the appeal. During the appeal, the director of planning shall not approve any applicable site plan, building permit or record plat for any construction that would or could be affected by the appeal.

(Code 1978, § 21.1-12.1; Ord. of 6-12-96, § 1)

Sec. 19-19.1. Administrative decisions and appeals to the board of zoning appeals.

(a) The director of planning shall provide a written response to a person who has filed a request in writing for a decision or determination by the director of planning on zoning matters within the scope of his authority. The director of planning shall provide the response within 90 days of the date of the request, unless the requestor has agreed to a longer time period. This includes interpretation requests made pursuant to section 19-2. The director of planning's decision may be appealed pursuant to the provisions of this section.